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# Romania's intelligence community: from an instrument of dictatorship to serving democracy

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Taylor & Francis

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FLORINA CRISTIANA (CRIS) MATEI

## Romania's Intelligence Community: From an Instrument of Dictatorship to Serving Democracy

“...Romania is an extraordinary partner that is willing to make all sacrifices in order to transform the world into a freer one.”

Condoleezza Rice<sup>1</sup>

Romania's intelligence system has followed a path from serving as an instrument of communist dictatorship to being an effective intelligence community under democratic control. This achievement is notable, considering both the relatively short amount of time for the transition and the foundations of the organization—the Securitate.

With the collapse of Communism in 1989, Romania transitioned from an authoritarian regime to a functioning democracy, thereby disproving scholars' skepticism with regard to its low chances for democratic consolidation.<sup>2</sup> Its road to a free society has been long and difficult, but, despite a series of shortcomings and failures, Romania has built up from ground zero the basic democratic institutions (political society, rule of law, state-apparatus, economic society, and a functioning civil society),<sup>3</sup> demonstrating that its “course towards democracy is irreversible.”<sup>4</sup> One by

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one, the Communist barriers have been demolished, including the country's intelligence system; the intelligence mechanism has transited from a genuine Communist-era "inquisition," which destroyed interpersonal relations with people of all ages spying on friends and relatives to a professional, accountable, and transparent community, which actually works for the citizenry, as required by democratic principles.

Yet, the end of the Cold War has produced not only more pluralistic democracies, market economies, and respect for human rights, it has as well brought forth more diverse security dangers, less visible and less predictable. Events like 11 September 2001 (9/11), the Madrid bombing of 2004, the London bombings of July 2005, and the India bombing in 2006 have made the world fully aware of these threats; terrorism showed there is no single Achilles' heel but a series of mounting vulnerabilities and insecurities. Nations have come to understand the need for reassessing their security concepts and transform their "threat diagnosticians"—the national intelligence communities. As well, they became aware that they cannot tackle the challenges of the new century alone, but must do so through concerted cooperation and action in the fields of intelligence, law-enforcement, and justice, at both the national and international levels.

Romania, too, now firmly committed to the international efforts to avert and counter the new security threats and challenges, has contributed directly to the world's peace and security. It is a member of various multinational, regional, and subregional security organizations, including the United Nations (UN) and Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), and the European Union (EU). It has contributed to the allied forces' operations in the first Gulf War, the peace operations in Afghanistan, Bosnia, Kosovo, Albania, and Iraq and, after the end of hostilities, has been involved in security and reconstruction activities. Ten percent of the Romanian forces participating in multinational operations are intelligence professionals.<sup>5</sup> Its new intelligence agencies are now cooperating with other similar institutions within a larger international framework in pursuit of shared objectives of countering the new security threats, at the national, regional, and international levels. Their professionalism and effectiveness are promoting Romania as a trusted partner in the world's quest for democratic security.

Thus, the transition of the Romanian intelligence community from the Communist Securitate to democratic control and effectiveness followed two paths: one drawn by democratization (by establishing new institutions and bringing them under democratic control) and the other drawn by the security environment (through redefined roles and missions).

## THE SECURITATE'S MANDATE

Before 1989 Romania featured a highly repressive Communist regime, under the dictator, Nicolae Ceausescu. Under his reign, dominated by an exaggerated cult of personality, corruption, and the infringement of human rights, Romania plunged into a social, economic, and moral decline, along with a seclusion from Western, democratic civilization. Romanians endured severe social and economic conditions, including starvation, a lack of medicines and other basic amenities, regular power blackouts, the lack of adequate heating during the winter,<sup>6</sup> and the interdiction of abortion.<sup>7</sup> To consolidate his power, Ceausescu used a ruthlessly effective intelligence apparatus, the Securitate, which became the largest Eastern European intelligence agency in relation to total population. With the Securitate as the “armed brace” of his rule, Ceausescu transformed Romania into a police state, dominated by physical suffering and moral torture. The Securitate maintained rigid controls on the entire populace, keeping tabs and records via recruiting a considerable network of collaborators and informers, including children. The “enemies of the regime” underwent permanent surveillance (including mail, telephones, offices, and homes), harassment, and imprisonment. The result was a pervasive atmosphere of fear, intimidation, suspicion, and mistrust.<sup>8</sup> As former Securitate official Ion Mihai Pacepa observed: “It was psychological terror that paralyzed the Romanian population, and the most outstanding piece of disinformation was the rumor, deliberately spread by Securitate itself, that one out of every four Romanians was a Securitate informer.”<sup>9</sup>

## TOWARD DEMOCRATIC CONTROL AND EFFECTIVENESS

It all ended in December 1989 when a revolution took place, which abolished the Communist regime, killed Ceausescu and his very influential wife, Elana, dismantled the Securitate, and opened a new chapter for Romania—democracy. Since then, Romania has been able to shape a new intelligence system, placed under legal basis and defined mandates, tailored to the post–Cold War security challenges and threats. It also strengthened mechanisms of control and oversight to ensure that the intelligence apparatus works within the context of the rule of law, human rights, checks and balances, while allowing it to prepare for the threats and challenges of the future.

## THE NEED FOR INTELLIGENCE IN ROMANIA

At the moment, no major internal or external threats to Romanian security are imminent; no inter-ethnic conflicts are flaring in Romania (the minorities enjoy equal rights and liberties as Romanian citizens and are represented in

the Parliament), and Romania has good neighborly relations, based on cooperation and mutual help.

Nevertheless, potential threats to Romania's security include ineffective government affected by corruption and political clientelism; organized crime; human, drug, and arms trafficking; and illegal migration run by either domestic or foreign networks.

In addition, Romania could become a terrorist target for a variety of reasons. First, its geographical position in the proximity of certain insecure or latent-conflict zones, such as Transnistria and the Balkans. As well, the numerous Muslim and Arabic representation in Romania (over 200,000) could transform Romania into a hub or harbor for terrorist movements targeting not only Romania but also other countries.<sup>10</sup> Second, despite its good relations with the Arab world, due in large measure to a significant Muslim population presence, Romania's participation in the international coalition against terrorism and its Strategic Partnership with the United States could easily lead to attacks on Romanian troops stationed in Iraq and Afghanistan, as well as on its people and on its diplomatic, cultural, and economic institutions, in country or abroad. In fact, Romania had to deal with a terrorist act when three journalists were kidnapped in Iraq in 2005 by a group of terrorists. Third, the possibility of permanent U.S. military bases on Romanian territory may lead to targeting by terrorists. Fourth, with its recent accession into the EU, Romania becomes the EU's largest eastern border, thereby generating new security risks.

These threats call for a modern and efficient system of projection, planning, and assessment of security policy, a new legal framework to reflect the new security challenges, and strengthened training and education. Thus, not only is good, professional intelligence in Romania, adjusted to the current spectrum of threats and capable to assist Romanian policymakers needed; necessary, too, is an intelligence community that is compatible and interoperable with its Western counterparts, and cooperates with them effectively in the war on terror. An objective analysis indicates that, during the last sixteen years, Romania, with great effort, has largely achieved these goals.

## NEW INTELLIGENCE AGENCIES

In the early 1990s, Romania created a new intelligence system by dividing the former Securitate into several agencies, which retained the former Communist intelligence system's infrastructure, logistics, and personnel (including some of the collaborators), as well as the Securitate archives of files on the Romanian citizenry. Today, six intelligence agencies have replaced the Securitate:<sup>11</sup> the independent Romanian Intelligence Service

(SRI); the Foreign Intelligence Service (SIE); the Guard and Protection Service (SPP); the Special Telecommunication Service (STS); the ministerial General Directorate for Intelligence and Internal Protection (DGIPI); and the Directorate for General Information of the Army (DGIA). In compliance with their mandate, as defined by the legal framework, the agencies conduct domestic and foreign intelligence and counter or security intelligence, as well as military/police intelligence. They have human intelligence (HUMINT), signals intelligence (SIGINT), and imaging intelligence (IMINT) capabilities and can use undercover agents.

## THE INDEPENDENT AGENCIES

(A). *The Romanian Intelligence Service (SRI)* was established by Decree 181 of 26 March 1990, and placed on a statutory basis with Law Number 14 of 1992, "Organization and Functioning of the Romanian Intelligence Service."<sup>12</sup> SRI is responsible for collection and analysis of intelligence pertaining to Romania's national security, including corruption.<sup>13</sup> SRI officials continue to lobby for transformation of the institution into a law enforcement agency, with powers to arrest and detain.<sup>14</sup> This will probably happen in special situations such as prevention and combating terrorism.

(B). *The Foreign Intelligence Service (SIE)* is tasked with foreign intelligence activities with respect to Romania's national security and the safeguarding of its national interests.<sup>15</sup> The legal framework that regulates the SIE's activity is based on Law no. 51/1991 on national security, Law no. 415/2002 on the organization and functioning of the CSAT, Law no. 182/2002 on the protection of classified information, and Law no. 1/6 January 1998 on the organization and functioning of the Foreign Intelligence Service, as completed by the Emergency Ordinance (OUG) no. 154 on 21 November 2001.

(C). *The Guard and Protection Service (SPP)*, an independent intelligence agency, was set up on 7 May 1990 under decree 204 of the Provisional Council of National Unity, to ensure the protection of the President, Romanian government party leaders, and foreign diplomats. It was put on a statutory basis by the Law no. 191 of 22 October 1998,<sup>16</sup> which stipulates that the SPP is responsible for the protection of Romanian dignitaries, as well as for foreign officials and their families during their stay in Romania. The Emergency Ordinance no. 103 of 2002 augmented SPP's areas of responsibility to organizing and conducting clandestine collection and undercover operations.<sup>17</sup>

(D). Created in 1996, by Government Resolution 229 of 27 May 1993, *the Special Telecommunication Service (STS)* organizes and coordinates the telecommunications activities for the public authorities in Romania and for

other users, in accordance with the law.<sup>18</sup> The institution provides national signals intelligence (SIGINT.) It is also believed that the STS has agents operating undercover.

## MINISTERIAL AGENCIES

(A). The Ministry of Defense's *Directorate for General Information of the Armed Forces (DGIA)*, created by the Emergency Ordinance Number 14 of 26 January 2001, is charged with intelligence collection and analysis of domestic and external, military and nonmilitary threats to national security. It is responsible for ensuring the protection of security information and cryptographic activities as well as the geographical intelligence needed by the military.<sup>19</sup> The Directorate for Intelligence and Military Representation (DIRM), which monitors the service's foreign activities, and the Directorate for Military Security (DSM), the former Counter-Espionage Department, are now subordinated to DGIA.<sup>20</sup> DGIA operates undercover and may have combatant units under subordination.<sup>21</sup>

(B). *The General Directorate for Intelligence and Internal Protection (DGIPI)*, also known as UM 0962, was created in 1999 from the counterintelligence department of the Ministry of the Interior,<sup>22</sup> which was established on 1 February 1990.<sup>23</sup> DGIPI is charged with collection and processing of intelligence pertaining to organized crime and terrorism. It is believed to employ the highest percentage of former Securitate personnel among all of the intelligence agencies.

## CHALLENGES OF THE TRANSITION PROCESS

Following its transition from a counterintelligence state to a democracy, a principal challenge for Romania was constraining its new intelligence apparatus to work within the boundaries of democracy while still being effective. This has been especially difficult since the newly-created intelligence system was established on the ruins of the former Securitate. The populace's hostility toward the former Securitate officers, lack of confidence in the state institutions, the incomplete and dysfunctional legal framework and oversight, as well as the lack of transparency, shed a bad light on the intelligence agencies during the first years of transition. In time, the situation changed in favor of democracy: legislation on the organization and functioning of the intelligence agencies was enacted and continues to be amended; civilian democratic control and oversight were institutionalized and strengthened; and personnel management was improved with modern recruitment, education, and training techniques, while a dialogue with the

civil society was established. The legacy of the past was dissipated, leaving room for effectiveness, professionalism, and credibility.

### **BALANCING SECRECY AND ACCOUNTABILITY: THE ROLE OF CONTROL AND OVERSIGHT**

Establishing a legal framework was not sufficient for molding the behavior of the intelligence agencies and holding them responsible for their actions. Instituting effective control mechanisms for both direction and oversight of the intelligence community is mandatory in a democracy.<sup>24</sup> In the aftermath of the anti-Ceausescu revolution, the security agencies lacked transparency, became politicized and carried out missions beyond their legal mandate, often infringing human rights and liberties. The need to scrutinize the activity of the intelligence agencies in order to make them accountable, impartial, and transparent was evident. Mechanisms of control and oversight were therefore created to balance the tension between security and liberty, and ensure that the intelligence agencies implement and observe the legal framework imposed upon them. Besides formal mechanisms, other oversight means now exist to keep the intelligence agencies accountable and responsible to the citizens.

#### *Executive Management*

Executive control consists of giving directions in regards to tasking, prioritizing, and making resources available. Executive control over Romanian intelligence is exercised by the National Defense Supreme Council (CSAT), which was established under Law Number 39 of 13 December 1990 to organize and coordinate the activity of the intelligence agencies.<sup>25</sup> The CSAT members are the President (chair), Prime Minister (vice-chair), the Ministers for Industry, Defense, Interior and Foreign Affairs, the President's National Security Advisor, the SRI and SIE directors, and the Chief of the General Staff. It coordinates the organization and functioning of the agencies, initiates documents to be subjected to Parliament's approval (e.g., the doctrine of national defense and the structure of the national defense system) and assesses and endorses intelligence drafts and the national security strategy and the military strategy.<sup>26</sup> The CSAT meets frequently; in 2005, for instance, CSAT met and adopted over 180 resolutions pertaining to Romania's national security, of which twenty-two were related solely to the intelligence agencies and protection of NATO's classified information.<sup>27</sup> Executive control was strengthened by the CSAT's adoption of an inter-ministerial cooperation protocol during crisis situations in 2001, which empowered the Prime Minister to exercise control over all the intelligence services during crises. (The Prime Minister would normally



have jurisdiction over only the ministerial services.)<sup>28</sup> In addition, the financial activities of the agencies are audited by the Ministry of Public Finances, which exercises a delegated preemptive financial verification power, and clears and authorizes the legality of some collection activities.<sup>29</sup>

From this standpoint, the CSAT arguably exercises a robust and dynamic control of Romania's intelligence activities.

### *Legislative Review*

The legislative control and oversight of all intelligence agencies include establishing their legal framework, structure, and mandates, and monitoring the implementation of the legislation, providing funds for intelligence, and holding the agencies accountable for the budget and for the way they spend it, reviewing their activities, as well as utilizing the intelligence they produce. Parliamentary oversight of the ministry services is carried out in accordance with the stipulations of the Romanian Constitution, with the ministerial heads accountable before Parliament. Thus, the DGIA and DGIPI report to their ministries, but the government institutions are accountable to the Parliament, and the two ministers could be questioned or interpellated by Parliament.

Parliamentary control of intelligence in Romania is exercised through standing/permanent and special/select committees: the standing committees oversee the activities of all intelligence agencies; the select/special committees oversee the activities of the independent agencies. The members of the permanent committees—Committees for Defense, Public Order, and National Security of both the Senate and Deputies Chambers—are elected during each legislative session, with the following responsibilities: initiating and amending laws related to public order, national defense, and security; approval of the budget and monitoring the way the funds are spent; requesting periodical or ad hoc reports from the intelligence agencies; appointing and/or revoking state authorities, including heads of the intelligence services; information and documentation visits at the intelligence agencies; along with Legislative motions, investigations, and hearings. The special parliamentary committees—Special Common Committee of SRI Oversight and Special Common Committee of SIE Oversight—oversee, along the standing committees, the activities of the independent intelligence services (SIE and SRI) as follows:

- verify Constitutional and legal compliance of the services' activities;
- investigate allegations of illegal intelligence collection;
- hold hearings on presidential nominees for director positions;
- assess the directors' annual reports, submitting their reviews to the Parliament;
- request SRI and SIE data and information;

- investigate the directors of the agencies and their staff members;
- conduct unannounced visits to the agencies.<sup>30</sup>

Despite such great authority granted to the committees, parliamentary oversight has been occasionally challenged by a series of factors, including the state's initial focus on other issues (elections, building new institutions, and supporting economic reforms); deficient parliamentary expertise in intelligence matters (as members of the committees change with every legislature); poor cooperation and coordination among parliamentary committees, as well as between former and current members of the oversight committees; and hostile attitude of the intelligence agencies when requested to provide information.<sup>31</sup> Of late, however, the situation has improved with the authorities taking an active role in ensuring the democratization of the intelligence agencies. The parliamentarians' expertise increased through various training programs; committees became more actively involved in the oversight through participating in more debates and meetings; and they all became more aware of the need for protection of classified information by setting up a leak prevention program.<sup>32</sup>

*Fiscal Oversight.* Control over the budget is ensured in various ways. First, the Parliament's permanent committees exercise their power through approval of the budget of the security institutions and the annual adoption/revision of the Law on State Budget on the allocations to the security institutions. Second, the special committees have the right to assess the draft budgetary allocations for the intelligence agencies and submit their reviews to the Parliament. Third, the government is required to report before the Parliament once a year on its activity, usually during the drafting of the following year's allocations. Fourth, the Court of Audits, an independent body with budgetary attributions that functions in support of the Parliament, has control powers over the administration and use of the financial resources of the State and of the public sector, as well as over the management of the public and private patrimony of the state and of the territorial administrative units.

Investigations represent the Romanian Parliament's most powerful oversight tool, beyond the power over the budget. This function is exercised through either permanent committees or special committees of investigation; the committees report their findings to the Parliament, which are debated in the chamber and made public.<sup>33</sup> Two special investigation committees have been set up so far on intelligence: the first investigated the existence of Central Intelligence Agency (CIA) flight records and prisons operated on Romanian territory for dealing with captured al-Qaeda leaders; the second investigated the disappearance of

Omar Hayssam, a Romanian businessman of Syrian origin, who was charged with terrorism and involvement in the kidnapping of three Romanian journalists, and whose whereabouts the Romanian authorities lost track of after his release from prison on parole (on medical grounds).<sup>34</sup> The investigation of the allegations of CIA wrongdoing were completed, and, despite serious accusations by various countries, the committee found that CIA did not operate prisons on Romanian territory, nor did U.S. military or civilian flights that could have had detainees on board operate over Romanian territory. This finding was confirmed by a parallel committee of the European Union, which reached the same conclusion. The Hayssam Committee investigations were still in process in early 2007, with the Committee conducting hearings on key persons.<sup>35</sup>

*Other Tools.* Interpellations and questions are the most frequently used tools of the parliamentary committees, offering the possibility and benefit of prompt and permanent supervision of governmental policies and the enforcement of laws. In this context, for the 1992–1996 legislature, 33 percent of the interpellations were on national security issues; 50 percent for the 1996–2000 legislature and less than that for the 2000–2004 legislature.<sup>36</sup>

Simple motions to establish the position of the Parliament on an internal or foreign policy matter and censorship motions, through which the Parliament starts a general debate on the government's policy—which could entail the withdrawing of the confidence vote granted to the executive—are other important parliamentary oversight tools.<sup>37</sup> Although all motions have so far been rejected they proved effective after a certain time, resulting the fall of a cabinet, and the removal from office of some ministers.<sup>38</sup>

Overall, despite inherent challenges, the Romanian Parliament has strong tools to ensure government of the people, by the people, and for the people. The Romanian legislature is a forceful check and balance system, highly capable of keeping the intelligence community operating in accordance with high standards of accountability and effectiveness, and thereby avoiding too much power being concentrated in the hands of the intelligence agencies. Romania is currently amending existing legislation in order to augment the Parliament's powers, with the view of strengthening the legislative oversight of the intelligence agencies, as a guarantee of a balance between secrecy and security and openness and transparency.<sup>39</sup> To cite Romanian President Traian Basescu: "The Parliament [currently] controls the intelligence agencies and has the right to do any type of investigation."<sup>40</sup>

### *Judicial*

Judicial oversight is another means of scrutinizing the activities of intelligence agencies at the national level. The judiciary monitors the agencies' use of

their special powers to ensure an appropriate balance between the protection of citizens' rights and the collection of information by intrusive or covert surveillance and searches. But this type of oversight is very weak in Romania because of the high degree of corruption, and due to the weak legal framework with regard to judicial supervision. For example, between 1989 and 2002, 14,267 warrants were requested by the intelligence agencies for wiretapping, none of which was denied by the general prosecutor. Of the warrants issued, only about two percent resulted in an indictment,<sup>41</sup> while the services justified the remaining 98 with "prevention."<sup>42</sup> Concerns remain that this surveillance is being conducted for political purposes or to monitor citizens in personal vendettas. The hope is that, with the EU membership, this situation will be ameliorated. The watch dog organization, Freedom House, rates the country's judicial framework and independence at 4.00 for 2006, and acknowledges the government's determination to reduce external influence on the judiciary.<sup>43</sup>

### *Internal*

Internal control is implemented by specialized bodies of the intelligence agencies (e.g., a judicial department within the SRI) to ensure that the agencies comply with both policy and the legal framework in which they are mandated to operate. Some agencies also have an internal financial control mechanism.

### *Other Types of Oversight*

Other oversight procedures keep the intelligence agencies accountable and responsible to the citizens, including a powerful civil society and media, the Council for Studying Securitate Archives (CNSAS), and the Ombudsman. In addition to the national mechanisms, international mechanisms, among them the European Court of Human Rights, located at Strasbourg, have been created to ensure citizens' protection against abuses, and to which citizens and states have the right to complain against any violations of human rights.

## **CIVIL SOCIETY AND TRANSPARENCY**

When the country's political transition began, intelligence agencies had a negative public image due to the still-present shadow of the Securitate—not easy for the society to forgive and forget—a nascent civil society, sensationalist media and deficient public relations channels within the agencies, attempts by the government to undermine active independent civil society organizations, as well as an incomplete legal framework. Of late, the situation has improved considerably, as has the relationship between the civil society and the intelligence agencies. The government has devolved by strengthening the legal framework on the functioning of civil

society and increasingly using civil society experts for policy matters, thus easing and increasing the involvement of non-governmental organizations (NGOs) in the monitoring of the government's activities. Likewise, the intelligence agencies sought a common denominator between effectiveness through secrecy and openness through transparency. They, too, have established a culture of an open society, aimed at disseminating a security culture among public authorities, members of academia, NGOs, journalists, analysts, and students, with the ultimate goal of increasing their awareness of the need and importance of efficient, non-suppressive intelligence for both Romania and the Euro-Atlantic region. Examples of the government's collaboration with the goal of a civil society include the *Monitoring Exercise of Instruments and Mechanisms for Parliamentary Oversight of the Security Sector in Romania*, issued by the Parliamentary Committee for Defense, Public Order and National Security of the House of Deputies and EURISC foundation, with the Geneva Centre for the Democratic Control of Armed Forces (DCAF); the involvement of the representatives of the NGOs in debating the new national security laws; access to intelligence agencies' press releases and websites; the possibility to interview intelligence officials; participation in discussion panels; and debates, conferences, and seminars.<sup>44</sup>

In addition, in line with current antiterrorist strategy, providing for a strong cooperation with the civil society, the media, and other interest groups, the intelligence agencies have established joint programs to train the population on national security/safety issues. Thus, the agencies have conducted several terrorism-awareness education and training programs for the population (including students, mainly because they have been found responsible for sixty percent of false bomb threats) and, in order to test the authorities' reaction in case of a potential terrorist attack, have organized several intervention exercises simulating crisis situations. One of these, simulating a terrorist attack during the transportation of radioactive substances, was conducted for both international and Romanian authorities. In addition, the SRI's center for combating terrorism has made available a telephone line for citizens to report any suspect situation or act. Examples of the civil society's success in scrutinizing the government include lawsuits on the basis of the Law on Freedom of Information filed by NGOs to boost transparency in various ministries, and the regulation of state advertising in the media.<sup>45</sup> The Romanian media, particularly, has kept the intelligence system under strict observation and strongly influenced the pace of reform. Despite attempts by the government to "curb its enthusiasm" on several occasions, the media have been a more effective oversight mechanism than the existing formal structures.<sup>46</sup> Examples of the media's success in its oversight of intelligence include the decrease in the number of agencies, and additional debates on this issue to comply with the

EU's requirements; the screening and/or firing of the former Securitate officers and the recruiting of younger personnel; and access to Securitate files and the identification of current public officials who either collaborated with or were employed by the former Securitate during the Communist regime. The fact that journalists can now interview intelligence personnel in their theaters of operations is a great achievement. Thus, oversight by the civil society ensures that the intelligence agencies are accountable to the Romanian people, while still understanding the need for secrecy.<sup>47</sup>

### **COUNCIL FOR STUDYING SECURITATE ARCHIVES (CNSAS)**

The CNSAS, set up following enactment of the 1999 Ticu Dumitrescu Law,<sup>48</sup> was expected to permit access to former Securitate files, the taking over of the millions of said files, a facilitation of Romanians' access to personal files, and, most importantly, an examination of the past connections of prominent public officials. But what was expected to become a powerful scrutiny mechanism turned out to be an ineffective institution for several years, due to past administrations' continuous attempts to block the handing over of the files on the pretext of national security. A few years later, the Basescu administration, which began in 2004, decided to open a new path toward transparency by opening all the files. Upon the President's demand, the agencies, in 2006, provided over 1.3 million files to CNSAS,<sup>49</sup> and a "process of Communism" has started: upon review of the files, some politicians were identified as former collaborators and have been expelled from the political parties to which they belonged and, perhaps, may be excluded from their public positions. For instance, Mona Musca, a National Liberal Party member of Parliament, former Minister, and, ironically, a campaigner for the removal of ex-Communists from high office, has admitted that she signed a contract of collaboration with the Securitate in 1977.<sup>50</sup> President Basescu himself is fighting against accusations that he collaborated with the Securitate during his years as a sailor. But, since his file is missing (though many do not believe this is true), such allegations have not been proven to date.<sup>51</sup> In April 2007, the Romanian Parliament suspended President Basescu on charges of power abuse. In May, Basescu won the referendum to remain in power.

Concerns remain that not everybody gets the same treatment if found to be a Securitate collaborator. Party colleagues argue that Mona Musca was expelled primarily because she was rather unaccommodating to the party and not merely due to her pledge to collaborate with the former political police. If, in the long run, exposed ex-Securitate informants and officers are excluded from participation in politics and government, the CNSAS will have indeed become a "watchdog hired by the Parliament."<sup>52</sup>

## OMBUDSMAN

The Romanian Constitution provides for an Ombudsman, or Advocate of the People, to defend citizens' rights and freedoms *ex officio* and upon request by individuals aggrieved in their rights by governmental action or inaction.<sup>53</sup> The Ombudsman's activities include investigations and hearings, as well as reports and recommendations to both chambers of Parliament concerning legislation or other suggestions pertaining to citizens' civil liberties and protection of rights. With the amendment of the Constitution in October 2003, the Ombudsman was empowered to comment on the constitutionality of legislation prior to its entry into force. People in Romania seem to trust this mechanism, as in 2004, the Ombudsman received 4,621 mailed and 2305 telephonic complaints, conducted 5,971 hearings and 38 investigations and issued eight reports and two special reports.<sup>54</sup>

## EUROPEAN COURT OF HUMAN RIGHTS (ECHR)

The ECHR was established in 1959 in Strasbourg to deal with alleged infringements of the 1950 European Convention on Human Rights. Any state or individual claiming to be a victim of a violation of the Convention has the right to send an application directly to the ECHR alleging a breach by one of the Convention states of one of the Convention's rights.<sup>55</sup> A concrete example of the ECHR's value—added to the oversight of the Romanian intelligence agencies was the Court's resolution on the *Aurel Rotaru versus Romania* case in 2000. Rotaru complained of an infringement of his right to privacy, in that the SRI held a secret record containing private/personal information, whose existence had been publicly revealed during judicial proceedings. He claimed to be the victim of a violation of the Convention, relying on Articles 13 (the right to an effective remedy) and 6 (the right to a fair trial). Indeed, in the ECHR's judgment delivered in this case, the Court unanimously voted there had been a violation of both Articles; and by a vote of 16 to 1, that there had been a violation of Article 8 (the right to respect for private life) of the European Convention on Human Rights; in addition, under Article 41 ("for just satisfaction") of the Convention, the Court awarded the applicant 63,450 French francs for pecuniary and non-pecuniary damages and for legal costs and expenses.<sup>56</sup> ECHR also demanded that Romania change its SRI legislation.<sup>57</sup> As a result of many cases lost by the Romanian state at various European tribunals, proposals were forwarded to amend the penal code. To this end, if Romania loses in the European Courts, the Romanian magistrates, rather than the Romanian state, will be compelled to pay the damages to the citizens. This will be a significant step toward a better judiciary, with more professional and fewer corrupt officials.

Basically, the existence and functioning of a newly restored civil society, CNSAS, Ombudsman, and ECHR have strengthened the oversight of intelligence by ensuring transparency and enforcing protection of citizens' rights and liberties.

## DEMOCRATIZATION, REFORM, AND EFFECTIVENESS

The transformation and democratization of the intelligence agencies have involved modern personnel selection, education, and training policies—following the European and Euro-Atlantic model—greater openness to the public, and strengthened cooperation with domestic and international counterparts. Major determinants have been Romania's desire to "return to Europe," mainly through NATO and EU membership; effective oversight by the Romanian media, which exposed the intelligence agencies any time they opposed democratic change; and, the 11 September 2001 events, when reform became a roundtable topic for government, political, and civil society sectors.

### *Structure*

One drawback to the effective oversight of the intelligence agencies was their large number, in itself subjecting Romania to continuous criticism by Western countries, NGOs, and the media, which have repeatedly recommended that Bucharest decrease their number. This has been one of the slowest areas of reform. Although now reduced to six intelligence agencies, concerns remain on the duplication of responsibilities. Attempts to further decrease<sup>58</sup> the number of agencies have failed, as the new draft law package on national security stipulates that the STS and SPP remain independent.<sup>59</sup>

### *Personnel and Career Development*

Notwithstanding the reason,<sup>60</sup> the continuity of the former Securitate employees—in particular those who were corrupt, did political policing roles, and violated human rights—was a setback for reform and professionalization, in general, and for Romania's chances to NATO and EU membership, in particular.<sup>61</sup> Due to the media's and Western countries' continuous criticism, the intelligence agencies have gradually reduced their former Communist personnel to a low percentage.<sup>62</sup> Some of them retired early, and others, if they failed to adapt to the democratic intelligence principles and rules, were fired without hesitation. The intelligence agencies have opened their doors to younger generations, mostly graduates from universities or representatives of civil society, with



pro-Western attitudes and generally flawless conduct.<sup>63</sup> As well, vocation has become a very important personnel selection and assignment criterion; a reflective or introspective person may more likely become an analyst, while a more dynamic person, occupied in the search for new ventures or able to sense or notice things rapidly, is likely to become a collector.<sup>64</sup> The selection of counterterrorism personnel involves additional, specific personal criteria.<sup>65</sup>

Personnel management policies have been aimed at strengthening relationships, not only among employees but also between superiors and subordinates. With increased mutual trust and respect between superiors and their subordinates, careers can be based on personal motivation, and the agencies' promotion system based more on merit and performance.<sup>66</sup>

Bucharest has also invested in intelligence education and professional training. The Romanian National Intelligence Academy (ANI) and the Higher National Security College (HNSC), created by the SRI, are the main education institutions in intelligence and security issues. The ANI, open to all intelligence agencies, educates future agents in specific intelligence issues, foreign languages, legal matters, understanding of foreign cultures and religions, as well as technical skills. The HNSC is open to intelligence agencies, public authorities and parliamentarians, civic organizations (particularly those concerned with the defense and security sectors), journalists, and independent analysts and educators on security and intelligence issues. It is equally useful in developing the expertise of both those selected to control and oversee the activity of the intelligence system and of those who work for it. Both institutions use Western and NATO faculties, while their curricula reflect the new doctrines of the intelligence agencies, based on current threats. Besides ANI and HNSC, all intelligence personnel avail themselves of the education and training system within the armed forces, including the National Defense University, Technical Military Academy, National Defense College, and Defense Resources Regional Management Center.<sup>67</sup>

Each institution has its internal education centers and departments that provide specialized training. For combating organized crime the SRI has a center (functioning through SECI), that organizes different joint activities and exercises for Romanian and foreign intelligence agencies. SPP has a training center that instructs on matters related to protection, guardian duties, and antiterrorist intervention. And the DGIA's human intelligence (HUMINT) battalion has specific military intelligence training facilities, including a training hangar for paratroopers and an underground shooting range. In addition, the agencies have specific departments for the psychological training of personnel who specialize in fighting terrorism.

Very important has been foreign support and cooperation for educating and professionalizing both the intelligence agencies and the institutions

working on security matters, such as the programs conducted by the Center for Civil-Military Relations (CCMR) and the Marshall Center. These programs promote democracy, respect for human rights, military justice administration, and civilian control of the military and intelligence.

The reform effort has sought the demilitarization of the agencies, with benefits for structure, personnel, and management that include added flexibility, changed mentalities, and greater motivation. While the demilitarization of DGIPI has been completed as part as a larger process of police demilitarization, the companion for the SRI and SIE process has been rather slow, although debates on this issue have occurred in Parliament several times. Nevertheless, the new set of draft bills on security and intelligence stipulates that the two agencies will become demilitarized and their employees will have civil servant status.<sup>68</sup>

Another reform difficulty was the issue of the early retirement for former Securitate employees. Many of them became the first generation of Romanian businessmen, using unregistered funding,<sup>69</sup> while others created parallel private intelligence agencies which compete with the government institutions. These individuals helped expand corruption and blackmail by maintaining their connections with past informers and collaborators, making use of information extracted from Securitate files for blackmail.<sup>70</sup> For a long time, little<sup>71</sup> was done regarding this problem, but the new law on the status of the intelligence officers, currently awaiting parliamentary/CSAT approval, along with other bills on intelligence and security issues, will likely improve the situation. According to the new legislation, intelligence personnel rated as incompetent or no longer employed by the secret services because of psychological condition will be redirected to the national public servant agency to get new jobs, including positions in other governmental structures, based on their skills and training. Moreover, an intelligence salary law is to be drafted stipulating that intelligence officers will be granted a special allowance when they retire.<sup>72</sup>

### **NATO/EU IMPACT ON THE DEMOCRATIZATION, REFORM, AND EFFECTIVENESS**

The international community has made a tremendous contribution to the acceleration of intelligence reform. NATO/EU membership has been considered by Romanians a recognition of their country's return to its *de facto* geopolitical place in Europe, which goes back long before Communism. Romania had established strong ties with European countries of Latin origin, based on common legacies.<sup>73</sup> This affiliation was negated during many decades of Soviet influence. In this context, major changes within the intelligence system have happened as part of Romania's preparation for accession to NATO and the EU. The requirements of the

two organizations in return for membership—NATO's Membership Action Plan (MAP) and EU's *Acquis Communautaire*—served as guides to the complex process of intelligence reform. These requirements included: establishing democratic control; achieving interoperability and compatibility with the Atlantic Alliance's members; and harmonization of domestic legislation with the Western countries.

Within the control and oversight context, in the early 1990s, Romania established the legal framework for intelligence oversight with the adoption of the Law of National Security and Constitution in 1991, as well as legislation on the organization and functioning of each intelligence agency. Romania currently has a dynamic and robust oversight system, encompassing the control of the executive, legislative, and judicial, as well as the public sector and media. Amendments to the legislation, which included the adoption of a new Constitution in 2003, continue to be adopted.

Within the context of interoperability and compatibility, the various agencies have ensured the procurement of advanced equipment and technologies and the modernization of old ones, in particular with regard to technical intelligence, meaning systems of communications and protection of information. A new military communications system, with modern technologies and equipment, was procured in collaboration with the Marconi concern, to be fully interoperable with NATO by 2010;<sup>74</sup> a modern INFOSEC system was procured to ensure the protection of electronic and computer systems that are used to create, process, disseminate, and deposit classified information; the DGIA is developing a maritime counterterrorism program by modernizing its HUMINT, SIGINT, IMINT, and MASINT capabilities, while other agencies have improved their cyber intelligence (CYBERINT) capabilities.

Romania is one of the few NATO members to have an Integrated Multi-source Collection Capability (IMCC), which receives information from theaters of operation as well as from operational and strategic sources, and uses HUMINT, IMINT, MASINT, and SIGINT.<sup>75</sup> The Center filters only that information relevant to the commander of the force deployed in a particular theater, independent of the source, and sends the final product, known as the "intelligence summary (INTSUM)" to the force commander daily. The Romanian commander in Iraq, therefore, receives a different INTSUM as compared with his counterparts in Afghanistan, Kosovo, and Bosnia-Herzegovina. The Center also prepares a daily digest of intelligence reports for both the political and military decisionmakers in both the country and NATO commands.

In addition, Romania has developed an Integrated Image Intelligence System (I3S) within the Military Technical Academy since 2001. I3S uses a convergence between IMINT and geospatial data to support the military

operations in real time, meaning real time multispectral, multitemporal, multisource images, and geospatial data.<sup>76</sup>

Enactment of the Act on preventing and combating terrorism, the creation of the "National System of Terrorist Alert," and the special forces battalion to combat terrorism, have also proven the legal and operational compatibility with European standards of Romania's combating of terrorism efforts.

One of the most critical interoperability requirements by NATO/EU was protection of classified information as part of a larger process of interagency intelligence sharing and participation in joint missions.<sup>77</sup> The Partnership for Peace (PfP) and NATO's Membership Action Plan (MAP) imposed both legislative and institutional reforms on Romania in order to achieve NATO's level of safeguarding classified information. A law on classified information was adopted in 2002 and a National Registry Office for Classified Information (ORNISS) was created<sup>78</sup> to establish norms, instructions, and procedures for the protection of national and NATO classified information; ensure the compliance with both national and NATO standards of handling classified information; and to grant security clearances to the personnel selected for access to NATO classified information and/or participate in NATO actions. In parallel, all personnel who work with NATO classified information will undergo a background check and receive a security clearance before being able to share NATO classified information.<sup>79</sup> NATO's Office of Security (NOS) monitoring teams, which frequently visited the Romanian intelligence agencies and the ORNISS before Romania's membership in 2004, viewed as positive the process of personnel screening and classified information management. Romania was the only state among the latest accepted members that fully met the NATO requirements prior to accession.<sup>80</sup>

Within the current legislative harmonization context, and to ensure the compatibility of the Romanian legislation with that of the EU, four bills on national security are being debated in Parliament. They relate to national defense, intelligence, counterintelligence information and security, a national system for crisis management, SIE, SRI, and the status of intelligence officers. A particular EU membership requirement for intelligence is the implementation of Chapter 24 provisions on justice and home affairs (border control, illegal migration, drug smuggling and money laundering, organized crime, police and judicial cooperation, and data protection). The fulfillment of the Chapter 24 provisions is underway; the DGIPI and SRI have joined their efforts to internalize and implement these European regulations. Other requirements mandate that Romania reduce its intelligence agencies to three, and institute changes on the use of classified information gathered by former Securitate. This became especially important following the Rotaru case.

*The Impact of 11 September 2001 on Reform and Effectiveness*

The tragic events of 11 September 2001 added a new dimension to Romania's intelligence reform process. Rapid changes occurred in the legislation, structures, doctrines, personnel, education, and training of the intelligence sector as an adjustment to international efforts for countering terrorism. Special focus was put on interagency cooperation at both the domestic and international levels.

Immediately after the terrorist attacks on the United States, Romania adopted new legislation on preventing and combating terrorism, terrorist financing, organized crime, and human trafficking. Parliament approved Romania's participation, alongside NATO, in countering terrorist actions and operations.<sup>81</sup>

The SRI was designated by the CSAT as the nation's authority in anti-terrorist activities. It coordinated the adoption of The National Strategy on Preventing and Combating Terrorism in 2002, which regulates the roles of all security institutions. This led, in 2004, to the creation of a National System on Preventing and Combating Terrorism, an integrated structure focusing on prevention and countering terrorist threats.<sup>82</sup> In 2001, the SRI had established a Department for Preventing and Combating Terrorism, featuring a Center of Counter-Terrorist Operational Coordination as a permanent technical coordinator of the interacting agencies within the National System on Preventing and Combating Terrorism. The Center's responsibilities include collection and analysis, as well as field intervention. The SRI is authorized to conduct counterterrorism operations in case targets are attacked or occupied by terrorists; to capture or annihilate them; free hostages; and restore legal order. Its antiterrorist brigade is capable of deploying and carrying out ground, air, and maritime missions everywhere in Romania within a maximum two-and-a-half hours. The SRI's elite intervention unit, trained in the U.S. at Delta bases, specializes in possible interventions outside Romanian territory, as in freeing hostages and embassies.<sup>83</sup>

Other agencies besides the SRI underwent structural changes after 9/11. SIE was also reorganized, based on the U.S. Central Intelligence Agency (CIA) model. STS implemented within Romania the continent-wide European emergency call number 1-1-2, for reporting on fires, accidents, medical emergencies, disasters, and other events that require immediate response.<sup>84</sup> This system allows the STS to localize the call, even if the caller is unable to give details, as well as to identify whether the call is a false alarm or not.

Additional measures included the setting up, with U.S. assistance and following the U.S. Special Forces model, of a special forces antiterrorism battalion for out-of-area operations under NATO or Multinational Forces command, in accordance with the need to develop, at the national level, special capabilities required by joint operations.<sup>85</sup> This battalion will, if

called upon, carry out strategic reconnaissance and direct action tasks, and will assist in training other countries. It is to be fully operational by the end of 2007, and interoperable in a multinational military context.

## INTERAGENCY COOPERATION

The National Doctrine on Security Intelligence, approved by the CSAT in 2004, defines the national security concept, establishes the general framework of the intelligence activities and guidance on collection, analysis, and dissemination, and stipulates domestic and international cooperation of the institutions.

At the national level, a cooperation protocol among the SRI, SIE, SPP, STS, Ministry of Interior, and Ministry of Defense was approved by the CSAT, to establish the operational exchange and sharing of information among all agencies.<sup>86</sup> Despite an improved level of cooperation among all these agencies, however, some concrete situations called for a functional intelligence community, based on integrated intelligence planning and coordination, information sharing, better use of resources, improved collection and dissemination, reduced bureaucracy, and minimized redundancy and overlapping. A National Intelligence Community (CNI) was created in November 2005 under the National Defense Supreme Council (CSAT), an analysis structure aimed at corroborating information and bringing all current agencies under the same umbrella, to work on the principles of integrity of the disseminated intelligence and the accountability of each CNI component.<sup>87</sup> The CNI aims to foster interagency cooperation and coordination, with the ultimate goal of increasing professionalism. The CNI will benefit from receiving both a summary of intelligence reports and raw intelligence material from each of its components.<sup>88</sup> All agencies within the CNI are currently working together to find the best way of providing the decisionmakers with good quality intelligence and integrated analyses in order to set the bases of the best national security policies. So far, the CNI exists *de facto*.<sup>89</sup> Whether it will become an all-source agency or yet another layer of bureaucracy with little value added is unclear. Its final organization and functioning will be established through law and by the adoption of a new national strategy. Skeptics fear the CNI was created to increase the President's powers at the expense of the Prime Minister, but its coordination through the CSAT, which includes the President, the Prime Minister and a number of Ministers, decreases this risk. Nevertheless, within the government, parallel to the CNI, functions a "center for situations" based in the Prime Minister's chancellery, which grants the Prime Minister access to intelligence analyses and reports of the agencies without prior passage through the CNI.<sup>90</sup> To date, little is known about the CNI's personnel and budget, and whether or not the CNI will be subjected to parliamentary oversight.

At the international level, Romanian intelligence established special partnerships with NATO and EU, as well as other counterparts, on intelligence-sharing and collaboration to counter the new challenges. Romanian intelligence is part of numerous organizations, such as the Southeast European Cooperative Initiative (SECI), which is based on European regional cooperation to solve transnational problems, as well as the Egmont Group, an international network of financial intelligence agencies created by the U.S. to exchange information in cases of money laundering and terrorism financing.<sup>91</sup> Romania also contributes to international peace, stabilization, and reconstruction operations alongside foreign partners: in Bosnia-Herzegovina and Kosovo, with National Intelligence Cells (RONIC) integrated in the Stabilization Force in Bosnia-Herzegovina (SFOR) and Kosovo Force (KFOR) intelligence structures; in Afghanistan, with a Detachment of Intelligence and Counterintelligence within the International Security Assistance Force in Afghanistan (ISAF); and in Iraq, with a Military Intelligence Detachment in the Multinational Division Center South. Romania has a liaison officer integrated within the coalition intelligence center in Tampa, Florida, to do collection and analysis, as well as to coordinate the troops participating in “Enduring Freedom.”<sup>92</sup>

Essentially, the reform of Romanian intelligence has resulted in a balanced, flexible, and effective intelligence structure, as well as reasonable human resources management. The outcomes so far are an improved perception of the intelligence agencies by the Romanians and others abroad, as well as a greater awareness of the population about the need for such institutions. The image change at the domestic level is mirrored by an increased number of applications for the intelligence jobs.

### *Cases of Effectiveness*

The intelligence agencies working on Romanian territory, as well as in other theaters of operations, have done well in predicting and averting concrete security risk factors and crises.

First, Romania’s domestic intelligence agencies have cooperated in keeping under control trans-border, nonmilitary risk, and threat developments that might have repercussions on national and international security. Facing reality, Romanian analysts had predicted many of the security-related events during recent years.<sup>93</sup> As a result, on numerous occasions, the agencies blocked human supply networks, ended propaganda activities used by various terrorist and organized crime organizations or groups in recruiting new members, and worked to eliminate terrorist financing networks. Because none of the intelligence agencies is a law enforcement body, they notified the legal authorities and

law enforcement institutions of their findings, and legal measures have been taken against the suspects. The solved cases include: in 1991, annihilating and capturing members of an extremist group who assassinated India's ambassador in Bucharest; in 1993, deporting a Japanese terrorist wanted by Interpol for terrorist acts committed in 1974–1975; in 1996, identifying a Hezbollah member who participated in a commando operation of hijacking of a Trans World Airlines (TWA) flight between Athens and Rome in 1985; in 2001, expelling a Lebanese citizen on suspicions of being a member of the Hezbollah;<sup>94</sup> in 2003, expelling an Iraqi consul from Romania, on grounds he was attempting to organize a series of attacks on Western and Israeli facilities in Bucharest, and the arrest and expelling of the same person three years later, shortly after his return to Romania under a false name and passport;<sup>95</sup> in 2005, annihilation of an Islamic radical group of five al-Qaeda members, which had recruited new followers in Romania and tried to recruit foreign citizens of the Muslim religion;<sup>96</sup> in 2006, arresting a Jordanian suspected of allegiance to the Muslim Brothers group;<sup>97</sup> in 2006, arresting in Timisoara a bomb plot suspect suspected of affiliation to several terrorist organizations and planning to stage a terror attack in response to the close U.S.–Romania relationship. This suspect had made a video message threatening Romania and sent it on the Internet to several television, networks, including Al Jazeera and CNN.<sup>98</sup>

Second, Romania has demonstrated its HUMINT and IMINT expertise and potential within certain hostile operational environments. Effective Coalition forces' HUMINT collection capabilities in Iraq were perhaps eased by the close relationship between Romanian and Iraqi people going back in history, making Iraqis more open to the Romanian troops than to the other Coalition forces. Romanian HUMINT is sometimes envied by foreign allies.<sup>99</sup> Likewise, agencies' I3S capabilities have proven very useful to the multinational coalition during the "Iraqi Freedom" operation. Using real-time multispectral, multitemporal, multisource images and geospatial data, Romania's GEOINT system has identified and monitored enemy vehicles, numerous illegal explosives, ammunition and armament caches.<sup>100</sup>

Third, the intelligence agencies have proven their professionalism during crisis situations. They played an important role in the release of three Romanian journalists taken hostage in Iraq, cooperating with the Coalition agencies and Iraqi services, and the agencies of other Arab states.<sup>101</sup> In addition, the intelligence services were critical in the release of a French journalist, kidnapped at the same time as the Romanian journalists. French Prime Minister Dominique de Villepin acknowledged the help of "Romania and its officials."<sup>102</sup> Both operations were heavily criticized by various groups on grounds of using former ties with the Arab



world in order to free the journalists, but despite that criticism, what stands out is that both operations had the desired result: freedom for the abducted journalists.

Last, the professionalism and effectiveness of the new intelligence agencies in the joint fight on terrorism has been repeatedly recognized by foreign counterparts. The Polish Division Commander in Ad-Dwanivah, Iraq, acknowledged the capability of Romanian intelligence troops during crisis situations, to quickly assess and inform the allies of potential future threats and events.<sup>103</sup> The appointment by the Pentagon in December 2006 of a Romanian general to coordinate the Operations Directorate of the Multinational Force in Iraq was also proof of international recognition of Romania as a reliable ally.<sup>104</sup>

### **SLOW BUT SPLENDID PROGRESS**

Romania's progress in the democratization and professionalization of its intelligence agencies has been remarkable: the new Romanian intelligence community has gained both the confidence of the domestic populace and the appreciation and esteem of its Western partners. It did not happen overnight, but was rather slow, with many barriers to overcome, but Romanian intelligence has transitioned from a tool of the Communist dictatorship to a professional, transparent, and effective intelligence community, under democratic control.

The reform has been twofold: it was imposed by both the democratic transformation and consolidation of Romania, and by the rapid changes in the security environment after the end of the Cold War.

The country's desire for integration into the EU and NATO has been a strong impetus for progress. Partnerships with both institutions (established even before Romania's full membership) have paved the way for the country's rebounding with European democracy and security values, practices, and goals, and have been instrumental for Romanian intelligence's democratic accomplishments. According to President Basescu, the Romanian intelligence agencies actually joined the Euro-Atlantic structures ahead of the country itself.<sup>105</sup> New threats have entailed security changes and brought Romanian intelligence even closer to the Euro-Atlantic cultures. In addition, a dynamic civil society and an increasingly assertive media have played a tremendous role in the democratization, effectiveness, and transparency of Romania's intelligence services. These changes led to improved intelligence legislation (establishing both intelligence mandates and limitations); strong democratic control and oversight mechanisms (limiting intelligence's power); high personnel and career management standards (combining motivation and challenges with education and training opportunities);

new strategies and doctrines (better fitting the changing security requirements); transparency (bringing them closer to the society); and cooperation (increasing their effectiveness).

Notwithstanding all these successes, reform continues to be a work in progress. The legal framework continues to be improved to better fit the democratic pattern of today's professional intelligence communities. To this end, a new package of bills on national security is currently being debated, providing for clearer intelligence mandates and restricted powers, a decreased number of agencies, better personnel management, increased oversight, and more transparency.<sup>106</sup> New anticorruption legislation has been, and continues to be, passed with the EU's guidance, helping to produce concrete results for the citizens' benefit. Moreover, as NATO and the EU continue their transformation, Romania continues its security reform as well, to better carry out its membership responsibilities.

Despite mistrust, old habits, and setbacks, the former Securitate "stigma" has today largely faded away. Its replacement is an intelligence system with redefined democratic roles and missions, more accountable and less politicized, engaged in international cooperation, better serving as a *de facto* state structure and a reliable partner. In other words, Romania has successfully handled the challenge that all democracies encounter when reforming their intelligence, namely achieving a tradeoff between transparency and effectiveness.

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- <sup>5</sup> [http://www.prezentonline.ro/article\\_detail.php?idarticle=658](http://www.prezentonline.ro/article_detail.php?idarticle=658), accessed 22 April 2006
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- <sup>38</sup> Constantin Monac, “Parlamentul si Securitatea Nationala” (“Parliament and National Security”), pp. 192–193.
- <sup>39</sup> For instance, the draft laws on National Security stipulate the right of the parliamentary committees to regulate internal norms of the agencies, which currently are elaborated by the agencies and approved by CSAT only. Aniela Nine, “Legile Sigurantei, Schimbate Radical” (“The National Security Laws, Dramatically Changed”), *Jurnalul National*, 1 September 2006.
- <sup>40</sup> Interview with the Romanian President Traian Basescu, by Rodica Culcer, Romanian National Television (TVR), 28 November 2005, [http://www.presidency.ro/?\\_RID=det&tb=date&id=6834&\\_PRID=ag](http://www.presidency.ro/?_RID=det&tb=date&id=6834&_PRID=ag), accessed 11 June 2006.
- <sup>41</sup> Bogdan Galca, “Ministerul Public Acuzat ca a Incalcat Viata Privata a Cetatenilor” (“Public Ministry Accused for Violating Citizens’ Private Life”), *Ziua*, 17 December 2003.
- <sup>42</sup> “SRI Ascuta Tot Mai Mult. Degeaba?” (“SRI is Listening More and More. In Vain?”) *Evenimentul Zilei*, 16 December 2003.
- <sup>43</sup> <http://www.freedomhouse.hu/nitransit/2006/romania2006.pdf#search=%22NGOs%20transparency%20secret%20services%20intelligence%20romania%22>
- <sup>44</sup> Razvan Ionescu and Liviu Muresan, “The Monitoring Exercise of Instruments and Mechanisms for Parliamentary Oversight of the Security Sector in Romania,” and [www.sri.ro](http://www.sri.ro)
- <sup>45</sup> <http://www.freedomhouse.hu/nitransit/2006/romania2006.pdf#search=%22NGOs%20transparency%20secret%20services%20intelligence%20romania%22>
- <sup>46</sup> Cristiana Matei, “Romania’s Transition to Democracy: Civil Society and the Press’ Role in Intelligence Reform” (Monterey, CA: Proceedings from International Roundtable on Intelligence and Democracy, Center for Civil-Military Relations (CCMR), Naval Postgraduate School, August 2004), pp. 8–12.
- <sup>47</sup> The Freedom House’s rating on civil society in Romania for 2006 is 2.25 and 4.00 for the media.
- <sup>48</sup> Catherine Lovatt, “Securitate Shuffle,” available at <http://www.ce-review.org/00/15/lovatt15.html>
- <sup>49</sup> “Secret Police Row Grips Romania,” BBC News, 17 August 2006, available at <http://news.bbc.co.uk/2/hi/europe/5259450.stm>
- <sup>50</sup> David Rennie, “Romania’s Elite Rush to Confess Links to Securitate,” *Telegraph*, 18 August 2006)
- <sup>51</sup> He confessed, however, that he had to report to the Securitate as a job requirement, but did not do political police reporting. “Secret Police Row Grips Romania,” BBC News, 17 August 2006, available at <http://www.news.bbc.co.uk/2/hi/europe/5259450.stm>
- <sup>52</sup> Valentin Fernand Filip, “The Intelligence Phenomenon in a New Democratic Milieu. Romania—A Case Study,” Thesis, Naval Postgraduate School, available at <http://www.fas.org/irp/world/romania/filip.pdf>

- <sup>53</sup> Constitution of Romania, Article 58.
- <sup>54</sup> <http://www.avp.ro/indexen.html>
- <sup>55</sup> See Hans Born, Loch K. Johnson, Ian Leigh, *Who's Watching the Spies? Establishing Intelligence Service Accountability* (Washington, D.C., Potomac Books, 2005), pp. 34–46. Also, see European Court of Human Rights, Procedures, available at <http://www.echr.coe.int/ECHR/EN/Header/The+Court/Procedure/Basic+information+on+procedures/>, accessed 13 April 2006
- <sup>56</sup> <http://www.echr.coe.int/Eng/Press/2000/May/Rotaru.eng.htm>
- <sup>57</sup> Christian Levant and Alina Grigore, “Jocul la Doua Capete” (“The Two-Alternative Gamble”), *Prezentul*, 30 March 2006.
- <sup>58</sup> Aniela Nine, “Legile Sigurantei, Schimbate Radical” (“The National Security Laws, Dramatically Changed”), and Raluca Dumitriu, “Sase Servicii Romanesti de Informatii se Calca pe Picioare” (“Six Romanian Intelligence Services Step on Each Other's Toes”), *Gandul*, 10 July 2006.
- <sup>59</sup> Bogdan Apostolescu and Lia Bejan, “Tariceanu a ‘Pierdut’ si Legile Securitatii, STS and SPP, la Mana CSAT” (“Tariceanu Lost the Laws on National Security, as well. STS and SPP at the hand of CSAT”), *Gardianul*, 26 October 2006.
- <sup>60</sup> Heads of the post-Communist agencies justified it with the need for continuity in specific intelligence fields and areas of expertise, as well as with the lack of expertise. For instance, the antiterrorist unit needed continuity in training and former Communist intelligence officers assist in this training. “Rolul Serviciilor de Informații într-o Societate Democratică și în Procesul de Aderare a României la NATO” (“Role of Intelligence Services in a Democratic Society and in the NATO Accession Process”), Special Edition broadcast by the Romanian Television, 23 March 2002, available at <http://www.sie.ro/Arhiva/es2.html>
- <sup>61</sup> With regard to protection of classified information.
- <sup>62</sup> Less than 15 percent.
- <sup>63</sup> There were situations, however, when conduct was far from flawless: mainly corruption and bad behavior.
- <sup>64</sup> However, the “fate” of a future intelligence officer is not decided from the first interview; likewise, not all who aspired to become intelligence agents were hired by the services, but only those who demonstrated skill in this field. See interview with Gheorghe Fulga, SIE Director, *Adevarul*, 8 February 2006, and interview by Ion Petrescu with General Lieutenant dr Sergiu Medar, *Observatorul Militar*, No. 45, 9–15 November 2005.
- <sup>65</sup> The psychological test consists of a specific spectrum of skills that the candidates have to pass; see *Profil*, No. 8, August 2005, pp. 14–17, [http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii\\_bl](http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii_bl)
- <sup>66</sup> Interview by Ion Petrescu with General Lieutenant dr Sergiu Medar, *Observational Militar*, No. 45, 9–15 November 2005. Also, please see [www.sri.ro](http://www.sri.ro) and [www.sie.ro](http://www.sie.ro)
- <sup>67</sup> See the following websites: [http://main.mta.ro/despre\\_noi.htm](http://main.mta.ro/despre_noi.htm); <http://www.unap.ro/en/index.html#>; <http://www.unap.ro/en/unitati/cnap/cnap.html>; <http://www.mapn.ro/rcdrm/actualitate.htm#objective>

- <sup>68</sup> Ioana Zamfirescu, "SRI and SIE to be Demilitarized. The Six National Security Bills Have Not Been Made Public, CSAT to Complete Them within the Next 60 Days," *Nine O'Clock*, 14 February 2006.
- <sup>69</sup> By earning more than the rest of the population and enjoying special privileges, Securitate instituted a "parallel economy" during the Communist period, allowing them to earn unregistered funds.
- <sup>70</sup> Heads of the current agencies advocate for some of the former Securitate officers who were employed by private business companies and helped to the development of these companies due to their correctitude and discretion skills versus connection with former informants. "Rolul Serviciilor de Informații într-o Societate Democratică și în Procesul de Aderare a României la NATO" ("Role of Intelligence Services in a Democratic Society and in the NATO Accession Process"), Special Edition broadcast by Romanian Television, 236 March 2002, available at <http://www.sie.ro/Arhiva/es2.html>
- <sup>71</sup> *Ibid.* SRI, for instance, has given some of the retired personnel extra budgetary allocations in addition to a pension to help them "live a decent life."
- <sup>72</sup> Silviu Achim and Mircea Marian, "Undercover Officers Away from Parliament," *Adevarul*, 19 April 2006.
- <sup>73</sup> Romania has a Latin identity and a Romance linguistic heritage, which distinguishes it from its Slavic and Hungarian neighbors, and connects the country to the heart of Europe.
- <sup>74</sup> [http://www.lumeam.ro/nr2\\_2003/politica\\_la\\_romani.html](http://www.lumeam.ro/nr2_2003/politica_la_romani.html)
- <sup>75</sup> During the Iraqi Freedom Operation "Antica Babilonia," Romania was the first country having an integrated intelligence center using under the same umbrella collection of human intelligence, electromagnetic spectrum, and UAV, a method borrowed later by other countries. For more information see Alina Grigore and Christian Levant, "Turnir Politic pentru Informatiile Armatei" ("Political Joust for Army's Intelligence"), available at [http://www.prezentonline.ro/article\\_detail.php?idarticle=658](http://www.prezentonline.ro/article_detail.php?idarticle=658) and <http://cssas.unap.ro/ro/publicatii/carti/carte%20sesiune%202005.pdf>
- <sup>76</sup> Dan Raducanu, "Romania Furnizeaza date GEOINT in Timp Real" ("Romania Provides GEOINT Data in Real Time"), *Observatorul Militar*, No. 20, 24–30 May 2006.
- <sup>77</sup> NATO expressed its unwillingness to share information with former Securitate personnel. For more information, see Cristiana Matei, "Romania's Transition to Democracy: Civil Society and the Press' Role in Intelligence Reform."
- <sup>78</sup> <http://www.orniss.ro/en/index.html> accessed
- <sup>79</sup> Eugen Tomiuc, "Romania: Authorities to Screen Officers Likely to Work with NATO Secrets," available at <http://www.rferl.org/features/2002/05/16052002082653.asp>
- <sup>80</sup> See *Observatorul Militar*, No. 8, 1–7 March 2006, [www.presamil.ro](http://www.presamil.ro)
- <sup>81</sup> Also, making available to NATO, upon request, all facilities related to its air, ground or maritime space as support for possible counterterrorism operations.

- For more information, see <http://www.sie.ro/Arhiva/es1.html> and <http://www.nato.int/romania/romfightterr.htm>
- <sup>82</sup> See *Profil*, No. 8, August 2005, [http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii\\_bl](http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii_bl)
- <sup>83</sup> Radu Tudor, "Romania Creates New Counterterrorism Unit," *Jane's Intelligence Review*, 1 January 2005, *Profil*, No. 8, August 2005, [http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii\\_bl](http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii_bl); Also see <http://www.9am.ro/revistapresei/Social/11317/Militarii-romani-din-Bagdad-in-pericol>, <http://wfass.waikato> and <http://wfass.waikato.ac.nz/dzirker/IPSA-conf-02/Ionut%20Stefanut/The%20Romanian%20Experience%20in%20Preventing%20and.htm>
- <sup>84</sup> <http://www.112.ro/index.php?id=1> and [http://www.112.ro/index.php?id=1\\_3](http://www.112.ro/index.php?id=1_3)
- <sup>85</sup> A Romanian patrol serving in the International Security Assistance Force (ISAF) in Afghanistan discovered a weapons cache near Kandahar but called for the U.S. de-mining squad to assist in the search, which resulted in finding a cache of four cannons, 98 grenade launchers, and dozens of machine guns and rifles. Radu Tudor, "Romania Creates New Counterterrorism Unit."
- <sup>86</sup> <http://www.sie.ro/Arhiva/es1.html> and <http://www.sie.ro/Arhiva/es2.html>
- <sup>87</sup> Also based on the national doctrine of intelligence providing for the unitary organization and coordination of the intelligence activities aimed at Romania's security; for more information see [http://www.presidency.ro/pdf/date/6815\\_ro.pdf](http://www.presidency.ro/pdf/date/6815_ro.pdf)
- <sup>88</sup> "Intelligence Reform in Romania Does Not Go far Enough," available at [http://www.csees.net/?page=country\\_analyses&country\\_id=6&ca\\_id=1999](http://www.csees.net/?page=country_analyses&country_id=6&ca_id=1999)
- <sup>89</sup> CNI was created by a CSAT decision and not by law, therefore it lacks proper legal basis; in addition CSAT had neither let the heads of the parliamentary committees know in advance about the creation of CNI, nor asked for Parliamentary consultancy.
- <sup>90</sup> Doru Dragomir, "Tariceanu si-a facut un mic serviciu de informatii," *Ziua*, 29 June 2006.
- <sup>91</sup> *Profil*, No. 8, August 2005, [http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii\\_bl](http://www.sri.ro/index.php?nav=biblioteca&subnav=publicatii&tabela=publicatii_bl)
- <sup>92</sup> <http://www.mapn.ro/indexro.php>
- <sup>93</sup> Interview by Ion Petrescu with General Lieutenant dr Sergiu Medar, *Observational Militar*, No. 45, 9–15 November 2005.
- <sup>94</sup> Radu Tudor, "Terrorist Groups in Romania," *Jane's Information Group*, *Jane's Intelligence Review*, 1 January 2002, [http://www8.janes.com/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir2002/jir00034.htm@current&pageSelected=allJanes&keyword=romania%201993%20hizbullah&backPath=http://search.janes.com/Search&Prod\\_Name=JIR&](http://www8.janes.com/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir2002/jir00034.htm@current&pageSelected=allJanes&keyword=romania%201993%20hizbullah&backPath=http://search.janes.com/Search&Prod_Name=JIR&)
- <sup>95</sup> <http://www.axisglobe.com/news.asp?news=8911>
- <sup>96</sup> Fanica Dumitrascu, "Iordanian Retinut pentru ca Avea Legaturi cu Organizatia Terorista Fratii Musulmani" ("Jordanian Detained for Links with the "Muslim Brothers" Terrorist Organization"), *Gardianul*, 1 March 2006.



<sup>97</sup> *Ibid.*

<sup>98</sup> See “Romanian Bomb Plot Suspect Held,” BBC News, available at <http://news.bbc.co.uk/2/hi/europe/5121714.stm> 27 June 2006 and “Romanian Intelligence Service Gives Details on Islamic “Terrorist Suspect,” BBC Monitoring (European), 28 June 2006, <http://www.slobodan-milosevic.org/news/rompres062806.htm>

<sup>99</sup> Radu Dobritoiu, “Luptatorii din Umbra” (“The Shadow Fighters”), *Observatorul Militar*, No. 41, 12–18 October 2005.

<sup>100</sup> Dan Raducanu, “Romania Furnizeaza date GEOINT in Timp Real” (“Romania Provides GEOINT Data in Real Time”), *Observatorul Militar*, No. 20, 24–30 May 2006.

<sup>101</sup> Interview by SIE Director Gheorghe Fulga, *Prezent*, 2 February 2006; Also see “Agency Reviews Activity of Romanian Intelligence Services in 2005,” Rompres News Agency, Bucharest, 27 December 2005, [http://www.sie.ro/En/index\\_e.html](http://www.sie.ro/En/index_e.html)

<sup>102</sup> “Romanian ‘Moles’ Helped French Hostage Release,” 15 June 2005, <http://www.theage.com.au/news/World/Romanian-moles-helped-French-hostage-release/2005/06/15/1118645845414.html>

<sup>103</sup> Lieutenant General Constantin Croitoru, “Despre Munca Profesionistilor Nostri, Aliatii Folosesc Superlative” (“The Allies Use Superlatives When Talking About Our Professionals’ Work”), *Observatorul Militar*, No. 48, 6–12 December 2006.

<sup>104</sup> Doru Dragomir, “Un General Roman Conduce Razboiul din Irak” (“A Romanian General Commands the War in Iraq”), *Ziua*, 15 December 2006.

<sup>105</sup> Press communiqué, [http://www.presidency.ro/pdf/date/8062\\_ro.pdf](http://www.presidency.ro/pdf/date/8062_ro.pdf)

<sup>106</sup> Of great importance is the law on the status of the intelligence professional, as it provides for social protection for the intelligence agents after retirement; <http://www.presamil.ro/OM/2006/06/02.pdf> and [http://www.imakenews.com/signal/e\\_000140970000039843.cfm?x=b11,0,w](http://www.imakenews.com/signal/e_000140970000039843.cfm?x=b11,0,w)